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September 17, 2003

**SUMMARY OF
EX PARTE PRESENTATION**

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWA325
Washington, DC 20554

Re: Ex Parte Presentation CC Docket No. 02-33

Dear Ms. Dortch:

On September 17, 2003, the undersigned and Lawrence E. Sarjeant, United States Telecom Association (USTA), and Rob Binder, Citizens Telecommunications, met with Matthew Brill, Legal Advisor to Commissioner Kathleen Abernathy. The purpose of the meeting was to discuss the *Wireline Broadband* proceeding.¹

Consistent with its prior filings in this proceeding, USTA articulated that incumbent local exchange carriers (ILECs) should be afforded the same opportunity as cable companies to structure their broadband offerings to meet the needs of their customers. USTA emphasized that the FCC's analysis in the *Cable Declaratory Ruling*² can be applied to ILECs, allowing ILECs the option of offering broadband transport via common carrier, private carriage, or as a telecommunications component of a single integrated Internet access service. By providing ILECs the flexibility to select the regulatory framework with which to provide broadband, they will have incentives to and be able to continue to deploy broadband competitively in the mass market. Moreover, USTA stressed the criticality of the need for the preservation of specific, predictable and sufficient universal service support mechanisms. To ensure the future sufficiency of universal service support, the FCC should require that all broadband and broadband services (common carrier broadband transport services, private carriage broadband transport services and broadband-based information services) contribute to USF support mechanisms pursuant to section 254(d) of the Communications Act of 1934.

¹ *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Universal service Obligations of Broadband Providers; Computer III further remand proceedings: Bell Operating Company Provision of Enhanced services; 1998 Biennial Regulatory Review-Review of Computer II and ONA Safeguards and Requirements*, CC Docket Nos. 02-33; 95-20; 98-10, FCC 02-42, Notice of Proposed Rulemaking (rel. Feb. 15, 2002).

² *Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities; Internet Over Cable Declaratory Ruling*, GN Docket No. 00-185, FCC 02-77 (rel. Mar. 15, 2002)).

Ms. Marlene Dortch
September 17, 2003
Page 2 of 2

In accordance with Section 1.1206(b)(2) of the Federal Communications Commission's (FCC) rules, this letter is being filed electronically with your office. Please feel free to contact me at (202) 326-7271 should you have any questions.

Sincerely,



Michael T. McMenamin
Associate Counsel

cc: Matthew Brill

